

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.)
)
MARTIN GOTTESFELD)

No.: 16-cr-10305-NMG

DEFENDANT’S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE
CONCERNING PARENTS OF DEFENDANT’S WIFE

The defendant Martin Gottesfeld (“Mr. Gottesfeld”) moves this Honorable Court *in limine* to exclude evidence that on or about December 11, 2013, Mr. Gottesfeld solicited individuals “with social engineering and hopefully other relevant industry experience to spoof caller ID at Dana’s parent’s [sic] [i.e., Terri and Daniel Barach] house late at night from Oak Grove.” Mr. Gottesfeld allegedly continued: “I want them to say that their son has been found dead in his room. He hung himself, and that he scrawled ‘This is my mom's fault.’ on the wall as his only note. The police are there and would like to speak with them and they should come to Oak Grove as soon as they can safely do so.” As grounds:

1. The proffered evidence is irrelevant. FRE 401.
2. The proffered evidence is inadmissible bad character and bad act evidence to prove a propensity to commit the charged offenses. FRE 404(a)(1); 404(b)(1).
3. The probative value of the proffered evidence, if any, is substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, and wasting time. FRE 403.
4. Exclusion is necessary to protect the defendant’s constitutional rights to due process of law and a fair trial under the Fifth Amendment to the United States Constitution.

Respectfully submitted,
MARTIN GOTTFELD
By his attorney:

/s/ David J. Grimaldi

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DATE: June 29, 2018

CERTIFICATE OF SERVICE

I, David J. Grimaldi, hereby certify that true copies of this motion were served on all registered participants in this matter via ECF this 29th day of June 2018.

/s/ David J. Grimaldi

David J. Grimaldi